

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

21-cr-155-2 (JGK)

- against -

ORDER

NOE VILLA RIOS,

Defendant.

JOHN G. KOELTL, District Judge:

The defendant, Noe Villa Rios, has moved for a reduction in his sentence based on the retroactive application of Amendment 821 to the United States Sentencing Guidelines. Because the defendant does not qualify for that reduction, that application is **denied**.

The defendant relies on the adoption of Guideline 4C1.1 of the Guidelines which reduces by one level the Offense Level for defendants who have a zero-point criminal history. However, that reduction does not apply to defendants such as the defendant who have received an aggravating role adjustment. See U.S.S.G. 4C1.1(a)(10).

Moreover, the reduction does not apply to the defendant because the defendant originally received a variance from Offense Level 33, Criminal History I, which provided for a Guideline Sentencing Range of 135 to 168 months' imprisonment to a sentence principally of 72 months' imprisonment. Even with an additional one-point reduction in the offense level to 32 and a Criminal History Category I, the Guideline Sentencing Range would be 121 to 151 months' imprisonment, well in excess of the sentence that was

actually imposed on the defendant. Therefore, the defendant does not qualify for a reduction in his sentence from the sentence principally of 72 months' imprisonment.

The Clerk is directed to mail a copy of this Order to the defendant, BOP number 91321-054 at Yazoo City Low Federal Correctional Institution, P.O. Box 5000, Yazoo City, MS 39194.

SO ORDERED.

**Dated: New York, New York
October 7, 2024**



**John G. Koeltl
United States District Judge**